

Remarks

Claims 1-16 were pending in the application at the time of the Office Action mailed December 31, 2008. In response to this Office Action, claim 1 has been withdrawn herein. Claims 2-16 are currently pending in the application.

Election/Restrictions

The Examiner has required a restriction to one of the following groups, as classified by the Examiner under 35 U.S.C. 121:

Group I: Claim 1, drawn to a product.

Group II: Claims 2-16, drawn to a method.

In response to the Restriction Requirement, the Applicant elects Group II with traverse. Thus, Claim 1 is withdrawn, and Claims 2-16 are maintained pending in the application.

The Examiner's position is that the inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. The Examiner maintains that the special technical feature common to all groups, a process for the production of alkaline glasses with a modified glass surface comprising the steps of bringing the surface of said glasses into contact with elevated levels of aluminum concentration; and subjecting the surface of said glasses to a heat treatment, does not define a contribution over the prior art.

The Applicants traverse the Restriction Requirement on the grounds that U.S. Patent No. 5,510,144 (the "'144 patent") does not disclose or teach the product and process claims directed to alkaline glasses of the present invention. Rather, the '144 patent is directed to crystal articles that prevent the migration of lead into the body when consumers are exposed to the compound. See col. 1, lines 16-24 and Table 1. in col. 6. Furthermore, the Applicants note that the increased aluminum concentration has a resistance to thermally induced reverse alkaline diffusion, in particular sodium diffusion, as disclosed in [0003] of the present invention. The '144 patent simply does not disclose or teach an alkaline glass surface enriched by aluminum concentration. Withdrawal of the Restriction Requirement is therefore requested.

The Applicants also traverse the Restriction Requirement because the Examiner is required to establish that a serious burden would be placed on the Examiner if the restriction requirement was not made. (MPEP 802.02) The Examiner has failed to do so. Withdrawal of the Restriction Requirement is therefore requested.

The restriction and election made above are made without prejudice to the Applicant's right to undertake prosecution of the non-elected claims at a later date by way of division or continuation of this parent application.

Applicants encourage the Examiner to call their agent, Keith J. Marciniowski, at 330-864-5550 to resolve any additional questions that the Examiner may have after review of the present amendment.

Respectfully submitted,

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